UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,347	07/28/2003	Victor Ciccarelli	18730-0004	6349

7590 02/17/2009

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EXAMINER
PHAM, THIERRY L

ART UNIT	PAPER NUMBER
2625	

MAIL DATE	DELIVERY MODE
02/17/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *14 November 2008*.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1,2 and 4-20* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *1-2, 4-20* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All   b) ☐ Some * c) ☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

DETAILED ACTION

● This action is responsive to the following communication: amendment filed on 11/14/2008.

● Claims 1-2, 4-20 are currently pending; claim 3 has been canceled.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 11/24/2008 & 12/29/2008 was filed after the mailing date of the non-final office action on 8/20/2008. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-2, 4-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Solberg et al (US 6134338) in view of Rappaport et al (US 20020077787).

Regarding claim 1, Solberg discloses a method for providing actual scale information (actual scale image information, abstract, fig. 1a, col. 6, lines 15-67) of a digital image, comprising:

● digitizing (digitizing a source document, fig. 1a & fig. 4) a paper document (source document 190, fig. 1a) using a digitizing device (scanner 102, fig. 1a & fig. 4) to create a digital image (digital image, fig. 1a) & fig. 4;

● recording scale information (recording original scale information of physical document, fig. 4-6, col. 6, lines 15-67) associated with the paper document and the digitizing device;

• associating (fig. 4 & 6) the digital image and the scale information;

• storing (storing raster file, fig. 2 & fig. 4) the digital image and the associated scale information (stored image file contains original dimension and scale information, fig. 4 & fig. 6, abstract and col. 6, lines 15-67); and storing the digital raster image and embedded scale information as a single file (fig. 3 shows a drawing image with plurality of objects and scale information ".75=1", col. 17, lines 60-67, wherein the stored image can be edited via using editing software, col. 18, lines 10-15).

• providing a digital image viewer (digital viewer, fig. 3) for, rendering the digital image, receiving drawing input (user's input via keyboard 132 ,fig. 4 & fig. 6) from a user comprising a line or a shape (lines and shapes, fig. 8), calculating a true scale measurement (calculating and/or correlating true scaling information of physical dimensions, fig. 4-8, col. 6, lines 15-67) of the drawn line or shape based at least in part on the scale information, and presenting the true scale measurement to the user via the viewer (presenting to user via digital viewer as shown in fig. 4-8).

Solberg fails to teach and/or suggest embedding the scale information in a header of the digital raster image.

Rappaport, in the same field of endeavor for measurement information, teaches a well-known example of embedding the information in a header (fig. 3, pars. 97 & 107) of the digital raster image (raster image such as TIFF, par. 92), and storing (storing, fig. 8) the digital raster image and embedded information as a single file (fig. 5, par. 85). In other words, Solberg relates to a system that determines scale information for an intermediary raster image and then utilizes the scale information to construct a CAD vector based image. Solberg determines the scale information by either reading alphanumeric text representing scale information from the face of a raster image (See Solberg at Col. 16, line 36 - Col. 17, line 16; Col. 17, lines 55-59) or, alternatively, via a user prompt for the scale information (See Solberg at Col. 25, lines 30-33 and FIG. 6). Any information associated with the created CAD image, including the determined scale information, is stored in the main body of the CAD file itself or in a CAD library file (See, for example, Solberg, at Col. 57, lines 10-15). Scale information as taught by Solberg is manually entered and stored in the main body of the digital file

(see example of scale information show in digital image in fig. 3) and not in a header of the file. Rappaport teaches a computer file includes a header section 301 comprising Creator's Name, Filename, Company Name, Date, and Notes (fig. 3). All these data (e.g. creator's name, filename, company name, date, and notes) can be manually entered by user. Therefore, it would have been obvious to manually enter the scale information as taught by Solberg to the header section (e.g. via using Notes subsection) as taught by Rappaport. The motivation for doing is to allow users to instantaneously interpret the measurement value (scale information) and allows one to understand or recall with ease the measurement type, measurement location, and etc (par. 70 of Rappaport).

Therefore, it would have been obvious to combine Solberg with Rappaport to obtain the invention as specified in claim 1.

Regarding claim 2, Solberg further discloses the method of claim 1, wherein the scale information includes an original scale (col. 10, lines 40-50) of the paper document, a dots per inch (DPI) of the digitizing device (resolution, col. 17, lines 40-67 and col. 41, lines 23-27), and an original size (col. 10, lines 40-50) of the paper drawing.

Regarding claim 4, Solberg further discloses the method of claim 1, wherein the digital raster image is a TIFF image (col. 19, lines 45-67). Rappaport also teaches TIFF digital image file, par. 92.

Regarding claim 5, Rappaport further discloses the method of claim 4, wherein embedding the scale information in a header of the digital raster image comprises embedding the scale information in a header (embedding scale information in the header, fig. 3, pars. 97 & 107)) of the TIFF image. See rejection to claim 1 above for more details.

Regarding claims 6-9 recite limitations that are similar and in the same scope of invention as to those in claims 1-2, 4-5 (respectively) above; therefore, claims 6-9 are

rejected for the same rejection rationale/basis as described in claims 1-2, 4-5 (respectively).

Regarding claims 10-14 recite limitations that are similar and in the same scope of invention as to those in claims 1-5 above; therefore, claims 10-14 are rejected for the same rejection rationale/basis as described in claims 1-5. See fig. 1A for system configuration.

Regarding claims 15-18 recite limitations that are similar and in the same scope of invention as to those in claims 1-5 above; therefore, claims 15-18 are rejected for the same rejection rationale/basis as described in claims 1-5. See fig. 7 for a sample viewer.

Regarding claim 19, Solberg further teaches the method of claim 1, wherein the received drawing input is a shape (fig. 7), and wherein calculating a true scale measurement of the drawn shape (calculating and/or correlating true scaling information of physical dimensions, fig. 4-8, col. 6, lines 15-67). Solberg further teaches dimension of drawing objects (fig. 13) and structural calculations via using CAD software. However, Solberg fails to teach and/or suggest calculating area of the drawn shape. The examiner herein takes official notice that calculating based upon known dimensions are well-known and widely implemented via using different types of programs/software including CAD software. Therefore, it would have been obvious to calculate area of the drawing object based upon known dimensions to add more details to the drawings.

Regarding claim 20, Solberg further teaches the method of claim 1, wherein receiving drawing input comprises receiving drawing input (drawing inputs as shown in figs. 6-14) in the rendered digital image (Solberg also teaches digital image can be edited using editing software, col. 15, lines 35-40 and col. 18, lines 10-15).

Response to Arguments

Applicant's arguments, see pages , filed 11/14/2008, with respect to the rejection(s) of claim(s) 1, 6, 10, 15, 19-20 under 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of different interpretations of previously cited prior arts of record (see rejection above for details).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

● US 6704695 to Bula et al teaches a method of calculating an area of any object using a CAD program is well known.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THIERRY L. PHAM whose telephone number is (571)272-7439. The examiner can normally be reached on M-F (9:30 AM - 6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on (571)272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thierry L Pham/

Art Unit 2625